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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,404	03/08/2000	Michael G Martinek	PA0389.ap.US	1301

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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 11/12/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/520,404

Applicant(s)

MARTINEK ET AL.

Examiner

Michael R Vaughan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,5-8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

Claims 1-39 have been examined and are pending.

#### ***Information Disclosure Statement***

An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, 5-8 is attached to the instant Office action.

#### ***Drawings***

Formal drawings are required in response to the instant Office action.

The drawings are objected to because figures 1 and 2 do not comply with the limitations set forth in CFR 1.84(g). Also, figure 2 is not legible. The text should comply with CFR 1.84(l) and 1.84(p)(1). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC ' 112, second paragraph***

Claims 14 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 14, claim 14 is dependent upon claim 12. Claim 14 makes reference to the general-purpose computer but there is no general-purpose computer in claims 12, 7, or 1. The general-purpose computer is in claim 13. Therefore, the examiner is assuming claim 14 is dependent upon claim 13 to treat the merits. Clarification and/or correction are required.

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As per claim 23, claim 23 is dependent upon claim 16. Claim 23 makes reference to hashing the stored data but there is no hashing of stored data in claim 16. The hashing of data is mentioned in claim 21 so the examiner is assuming claim 23 is dependent upon claim 21 to treat the merits. Clarification and/or correction are required.

***Claim Rejections - 35 USC ' 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Alcorn et al (USP 5,643,086).

As per claims 1 and 16, Alcorn et al teach:

A computerized game controller having a processor, memory, and nonvolatile storage and operable to control the computerized wagering game (column 1, lines 9-11);

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Game data stored in the nonvolatile storage where in the game data stored in the nonvolatile storage is verified during operation (column 2, lines 35-37).

As per claims 2, 21, and 22, Alcorn et al teach game data securely stored in the nonvolatile storage is hashed with a one-way hash function and a resulting hash value is compared to a reference hash value to ensure that the gaming program has not changed since calculation of the reference hash value (column 2, lines 37-40).

As per claims 3, 23, 33, and 35, Alcorn et al teach the game data is hashed after loading the gaming program into random access memory and the resulting hash value is compared to a reference hash value in a continuously executing program thread executing on the computerized game controller (column 2, lines 35-65).

As per claims 4 and 24, Alcorn et al teach the computerized wagering game system is brought to a tilt state if the resulting hash value is not the same as the reference hash value (column 2, lines 60-65 and column 8, lines 20-25).

As per claims 5 and 27, Alcorn et al teach the reference hash value is stored in a nonvolatile memory comprising a part of the computerized wagering game apparatus (column 2, lines 35-40).

As per claims 6 and 28, Alcorn et al teach a system handler application loads and executes encryption functions which are subsequently used to securely load other game data from nonvolatile storage (column 2, lines 44-55).

As per claims 7, 25, and 36, Alcorn et al teach the game data securely stored in the nonvolatile storage via encryption is signed with a digital signature (column 2, lines 51-57).

As per claims 8, 26, and 37, Alcorn et al teach the digital signature comprises encryption of the gaming program data with a signer's private key (column 2, line 66—column 3, line 11).

As per claims 9 and 27, Alcorn et al teach a nonvolatile memory storing a public key corresponding to the signer's private key (column 2, line 66—column, line 11).

As per claims 10, 28, and 38, Alcorn et al teach the digital signature comprises encryption with a signer's private key of a hash value produced by hashing the gaming program data with a one-way hash function (column 4, lines 25-35).

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As per claims 11 and 29, Alcorn et al teach a nonvolatile memory storing a public key corresponding to the signer's private key (column 3, lines 3-5).

As per claim 12, Alcorn et al teach gaming program data signed with a digital signature is signed with a digital signature from a regulatory organization, thereby, signifying organization approval of the gaming program data (column 3, lines 1-2 and column 8, lines 54-62).

As per claims 13, 14, 30, and 31, Alcorn et al teach the computerized game controller is a general-purpose computer including one that is IBM-PC compatible (column 6, lines 3-25).

As per claims 15, 17, and 34, Alcorn et al teach a network interface connecting the computerized wagering game apparatus to a networked computer (FIG. 1)

As per claims 18, 19, and 20, Alcorn et al teach data communicated over the network comprises instructions, shared objects, and reported data (column 9, lines 50-58 and column 8, lines 54-62).

As per claim 32, Alcorn et al teach encrypting data comprises use of a symmetric encryption algorithm to encrypt data (column 10, lines 20-30).

As per claim 39, Alcorn et al teach:

A computerized game controller having a processor, memory, and nonvolatile storage and operable to control the computerized wagering game (column 1, lines 9-11);

Game data stored in the nonvolatile storage where in the game data stored in the nonvolatile storage is verified during operation (column 2, lines 35-37);

game data securely stored in the nonvolatile storage is hashed with a one-way hash function and a resulting hash value is compared to a reference hash value to ensure that the gaming program has not changed since calculation of the reference hash value (column 2, lines 37-40);

the digital signature comprises encryption with a signer's private key of a hash value produced by hashing the gaming program data with a one-way hash function (column 4, lines 25-35);

decrypting the message digest and decryption programs (column 2, lines 41-65 and column 8, line 63—column 9, line 26).

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**Remarks**

No claim is allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patents:

6,165,072 Davis et al.

6,577,733 Charrin, Philippe A.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MV  
Michael R Vaughan  
Examiner  
Art Unit 2131

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100